

United States District Court  
Western District of Wisconsin

DOC NO  
REC'D/FILED  
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Matthew LaBrec,  
Plaintiff,

PETER OPPENEER  
CLERK US DIST COURT  
WD OF WI

V.

Case No. 17 C 485-jdp

C/O Dustin Meeker,  
C/O Hansen,  
C/O II Korducki,  
Sgt. Phillips,  
LT. Julson,  
RN Jesse Beaver,  
John Doe,

Defendants.

VERIFIED COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF

I. Introduction

1.) This is a Civil Rights Action under 42 U.S.C. § 1983 Filed by Plaintiff Matthew LaBrec #531236, a state prisoner, Alleging violation of his Constitutional rights. Plaintiff is seeking injunctive Relief and Money damages.

II. Jurisdiction And Venue

2.) Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 in that this is a Civil action arising under the Constitution of the United States.

3.) The Court also has Jurisdiction under 28 U.S.C. § 1343(a)(3) in that this action seeks to redress the deprivation, Under Color of state law, of rights secured by Acts of Congress.

4.) The Western District of Wisconsin is an appropriate venue under 28 U.S.C. § 1391(b)(2) because it is where the events giving rise to this claim occurred. The Court has Supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.

### III. Plaintiff

5.) The Plaintiff, Matthew LaBrec #531236, is and was at all times mentioned herein a prisoner of the Wisconsin Department of Corrections. He is currently confined in Columbia Correctional Institution, in portage Wisconsin.

### IV. Defendants

6.) Defendant Dustin Meeker at all times relevant to this Complaint a Correctional Officer at Columbia Correctional Institution, employed by the Wisconsin Department of Corrections (WIDOC).

7.) Defendant Hansen at all times relevant to this Complaint was a Correctional Officer at Columbia Correctional Institution (CCI), employed by the WIDOC.

8.) Defendant Korducki at all times relevant to this Complaint was a Correctional Officer II at CCI, employed by the WIDOC.

9.) Defendant Phillips was at all times relevant to this Complaint a Sergeant at CCI, employed by the WIDOC.

10.) Defendant Michael Dulson was at all times relevant to this Complaint a Lieutenant at CCI, employed by the WIDOC.

- 11.) Defendant Jesse Beaver was at all times relevant to this Complaint a Registered Nurse Employed at CCI, through the WIDOC.
- 12.) Defendant John Doe was at all times relevant to this Complaint an Officer at CCI, employed by the WIDOC.
- 13.) Defendants Meeker, Hansen, Korducki, Phillips, Doe, and Uilson are being sued in their individual and official Capacities. Defendant Beaver is being Sued in his individual and official Capacities.

#### V. Exhaustion of Available Remedies

- 14.) Plaintiff exhausted his administrative remedies before filing this Complaint.
- 16.) The plaintiff executed and had notarised and processed upon the State Attorney General a notice of injury and Claim, pursuant to Wis. Stat. § 893.82 in respect of all supplemental state law Tort claims in this Complaint.

#### VI. Statement of Facts

- 17.) On January 27, 2017, Plaintiff was having Serious Mental Health issues and Alerted officers to his issues.
- 18.) Plaintiff was housed in Restrictive Housing Unit 1, Cell Number 46, this is the Observation Section at CCI.
- 19.) Plaintiff told defendants he was going to kill himself, and then Covered his window. Officers alerted C/O II Preston

Who was ranking officer, and acting Sergeant at that time.

20.) C/O II Preston came out of the Control Pod to speak with Plaintiff. He told him he wanted to hang himself, and showed Preston a Noose fashioned from a towel.

21.) Plaintiff and Preston made a deal that Plaintiff would not hurt himself until he had a chance to talk to a White Shirt. Plaintiff also gave Preston the Noose.

22.) LT. Julson arrived and Plaintiff told him he wanted to kill himself. Julson told Plaintiff to just hang in there until Monday, and that then something could be done to help.

23.) Plaintiff told Julson he "wasn't going to make it through the night let alone the weekend". Julson informed Plaintiff there was nothing he could do to help him.

24.) Plaintiff once again covered his window and told Julson to "call an ambulance." Julson walked away and did no further action. Plaintiff then proceeded to bite his left arm, with the intent to kill himself.

25.) Plaintiff has an extensive history of Mental Health issues going as far back as 6 years old, and serious self-harm and suicidal ideations and actions from the age of eleven. C/I is aware of this.

26.) Plaintiff has an extensive history of self-harm, suicide

attempts, and severely self-destructive behavior, resulting in a need for hospital admission, at CCI and the staff are acutely aware of this fact.

27.) Over an extended period of time plaintiff continued to bite him self with his window covered. Officers Hansen, Meeker, Phillips, and COTI Korducki told plaintiff to uncover his window, to which plaintiff always responded with variations on the following.

28.) Plaintiff would state "It's too late", "Call an ambulance", "It's going to be bloody", and "I'm killing myself."

29.) Upon plaintiff's experience, it is usually at this time that officers try conducting a wellness check via the food trap on the cell door, utilizing a shield or food trap box. The defendants never attempted this.

30.) During the time plaintiff was covered inmates Scott Brown # 67501 and Joel Miller # 449920 were telling officers to check on the plaintiff, and that he told them he was killing himself.

31.) LT. Julson came back to plaintiff's cell and asked him to uncover his window. Plaintiff said "Call an ambulance."

32.) At this time Joel Miller # 449920 told Julson that he did not have to worry about plaintiff and that Miller would get plaintiff to uncover his window.



33.) Jolson agreed with Inmate Miller, and thanked him then exited the observation area, Never having gained a visual of plaintiff.

34.) Around this time C/O Hansen came to the observation area to pass out Bed time ("HS") meds that are officer Controlled.

35.) Hansen asked plaintiff to uncover his window if he wanted meds. plaintiff told him "Dead people don't need Meds". Hansen said okay and moved on.

36.) Plaintiff receives Nurse administered, Crushed Medications, The reason for this is a prior Suicide Attempt on August 24, 2016.

37.) While plaintiff was biting and had his window Covered RN Beaver and C/O Meeker came to Administer plaintiff's Mirtazapine.

38.) C/O Meeker asked plaintiff if he would like his "HS Meds", referring to the Nurse Controlled Medication. plaintiff replied "I don't need my Med's, I'm killing myself." without uncovering the Celldoor Windows.

39.) C/O Meeker replied "Okay, Sounds good" he then walked away, deliberately ignoring plaintiff's immediately identified Suicide risk.

40.) A short time later plaintiff bit in half, a large vein in his arm, located on the Left Antecubital Fossa Area, which is in the crook of a human elbow towards the outer edge.

41.) Plaintiff had blood squirting in a stream, causing large puddles to form on his cell floor. At this time Joel Miller started to kick his cell door to get the attention of officers.

42.) Plaintiff was dizzy, and losing his balance, slipping in puddles of his blood on the verge of losing consciousness. Plaintiff complied with staff to get restraints on.

43.) An ambulance was called to CCI to transport plaintiff to Divine Savior Hospital where he was treated for his injuries.

44.) Plaintiff was returned to CCI and placed on observation by Dr. Persike the on-call psychologist.

## VII. Legal Claims

45.) Plaintiff realleges and incorporates by reference paragraphs 1-44.

46.) The failure of defendants Meeker, Hansen, Korducki, Phillips, Doe, Beaver, and Wilson to obtain a visual

on plaintiff, for a Wellness Check due to the fact that they were aware of plaintiff's suicidal intent constitutes deliberate indifference to plaintiff's safety in violation of the Eighth Amendment of the United States Constitution.

47.) The failure to follow policy and discharge their duty of preventing inmates from harm on behalf of defendants Meeker, Hansen, Korducki, Phillips, Doe, and Julson is Negligent as they had a reasonable duty to ensure the safety of plaintiff, this constitutes a Common Law Negligence Tort of Wisconsin Law.

48.) The failure to intervene, and prevent the plaintiff from harming himself, when they were aware of his suicidal intent on behalf of defendants Meeker, Hansen, Phillips, Julson, Korducki, Doe is deliberately indifferent to the safety of the plaintiff, resulting in a failure to protect, which is a violation of the Eighth Amendment of the United States Constitution.

49.) Defendant Beaver failed to obtain a visual of the plaintiff, making sure he was safe, due to his knowledge of the plaintiff's suicidal history, this constitutes a tort of Negligence under the Law of the State of Wisconsin.

50.) Defendant Julson failed to contact the on-call psychologist and discuss whether or not the actions, and comments made by the plaintiff justified or even required the plaintiff to be placed on observation (suicide watch), or



placed in Mechanical restraints to prevent the plaintiff from harming himself.

This constitutes a Tort of Negligence Under Wisconsin State Law. This also is a failure to protect, through deliberate indifference to plaintiff's safety, in direct violation of the Eighth Amendment to the United States Constitution.

### VIII. Relief Requested

Wherefore, Plaintiff requests that the Court grant the following relief:

A: 1) A declaration that the acts and omissions described herein violated plaintiff's rights under the Constitution of the United States.

2.) A declaration that the acts and omissions described herein violated plaintiff's rights under the Laws of the State of Wisconsin.

B: Issue an injunction on the defendants as follows:

1.) In the instance that plaintiff threatens, and or engages in self-harm an on-call or on-duty psychologist be consulted.

2.) If plaintiff feels he needs to be placed in restraints to prevent himself from suicidal intent that staff do so.

3.) If staff are unable to visually confirm plaintiff's safety, and they have a reasonable doubt that he may be harming himself that they use a shield or trapbox to conduct a wellness check.

C: Compensatory damages in the amount of \$100,000<sup>00</sup> against defendants Meeker, Hansen, Phillips, Korducki, Wilson, and Doe, Jointly and Severally.

D: Punitive damages in the amount of \$10,000<sup>00</sup> against each of the defendants individually.

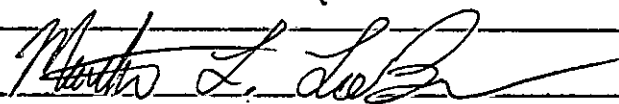
E: A Jury trial on all issues triable by Jury.

F: Plaintiff's costs in this suit.

G: Any additional relief this Court deems just, proper, and equitable.

Dated: June 14<sup>th</sup> 2017

Respectfully Submitted,



Matthew L. LaBrec

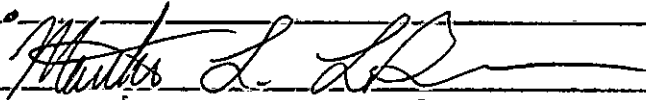
Pro Se Plaintiff

Matthew LaBrec #531236  
Columbia Correctional Institution  
P.O. Box 900  
Portage, WI 53901-0900

## IX. Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at postage Wisconsin on June 14<sup>th</sup> 2017.



Matthew L. LaBrec  
Pro Se Plaintiff